IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.299 OF 2004
IN
SUMMARY SUIT NO.3972 OF 2003

Chimanlal V. Vasani Plaintiff

versus

Atul H. Thakkar Defendant

None for plaintiff.

Mr.A.M.Saraogi, adv. for defendant.

CORAM : S.C.DHARMADHIKARI, JJ.

DATE : 18th February 2005

PC :

1. This summons for judgement was placed before me yesterday. The name of advocate appearing for the plaintiff as well as defendant was shown on board. I adjourned the matter till today. Mr.Saraogi appearing for the defendant points out that oral intimation was given to the advocate appearing for plaintiff. None appears for the plaintiff even today.

2. It appears from a reading of the plaint itself that the cause of action is based upon

money lending transaction between the plaintiff and defendant's father. Neither the cheque, promissory note and relevant documents are annexed nor it is stated as to how the defendant is liable for the payment under the transaction. The suit specifically refers to an account. It does not answer the mandatory requirements stipulated by Order 37, Rule 1 of Code of Civil Procedure. Unconditional leave to defend is granted. Summons for Judgement is disposed off.

(S.C.DHARMADHIKARI, J.)